HON'BLE SRI JUSTICE D.S.R.VARMA
AND
HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.22087 OF 2007
DATE: 30.11.2007

Between:

J. Chinna Rajanna S/o Pothanna, aged about 23 years.

...

Petitioner

AND

The District Collector, Adilabad, Adilabad Distriact, and four others

....Respondents

HON'BLE SRI JUSTICE D.S.R.VARMA
AND
HON'BLE SRI JUSTICE K. C.BHANU

WRIT PETITION No.22087 OF 2007

ORAL ORDER: **(per the Hon'ble Sri Justice D.S.R.VARMA)**

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader, appearing for the respondents.

2. Aggrieved by the order, dated 03.09.2007 in Review M.A.No.2689 of 2007 in O.A.No.2544 of 2007 with C.A.No.450 of 2007 and M.A.No.2167 of 2007 and also the order, dated 02.05.2007, in O.A.No.2544 of 2007, passed by the Andhra Pradesh Administrative Tribunal at Hyderabad (for brevity "the Tribunal"), the present writ petition is filed.

3. The grievance of the respondent No.5, before the Tribunal, who filed the said O.A., was that he was kept under suspension, on a complaint given by the third persons, and that the respondent Nos.1 to 4, including the petitioner herein, are not paying the subsistence allowance, during the period of his suspension.

4. The Tribunal, having taken into consideration the stock of the situation, held that actually the order of suspension was not in operation, at the relevant point of time; that the suspension order was passed, as per rules, pursuant to registration of a crime against him; that as per Rule 8 of APCS (CC&A) Rules, the respondent No.5 is entitled to subsistence allowance, and eventually disposed of O.A.No.2544 of 2007, by order, dated 02.05.2007, directing the respondent Nos.1 to 4, including the petitioner herein, to pay the salary to the respondent No.5 for the period he worked i.e. from March, 2006, till the date of his suspension i.e., 02.11.2006 and with a further direction to pay the subsistence allowance as long as he was under suspension, within a period of six weeks from the date of receipt of copy of order in the said O.A.

5. The suspension is not a punishment and, no doubt, the

incumbent who was kept under suspension will have the solace with the payment of subsistence allowance, as per rules.

6. For the foregoing and in view of the directions and observations made by the Tribunal, we see no reason to interfere with the impugned order and the writ petition is liable to be dismissed.

7. In the result, the writ petition is dismissed, at the stage of admission. However, there shall be no order as to costs.

_____ JUSTICE
D.S.R.VARMA

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JUSTICE
K.C.BHANU

30TH NOVEMBER 2007
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